



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

January 13, 2022

VIA ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007
Email: FaillaNYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

Re: *United States v. Whitmore et al.*, 19 Cr. 846 (KPF)

Dear Judge Failla,

The Government respectfully submits this letter to update the Court on the status of the remaining defendants in the above-captioned case. The Government has extended a formal plea offer to defendant Malik Hawkins, which offer expires on February 11, 2022. The Government has also extended a formal plea offer to defendant Barry Williams, which offer expires on January 28, 2022. If either of those defendants accepts his respective plea offer prior to its expiration, the Government will advise the Court and will request a change-of-plea hearing.

The Government respectfully requests that the Court schedule an in-person change-of-plea hearing for defendant Rodney Robinson, who is presently housed at Westchester County Jail. The parties have conferred and are available the following dates and times:

Thursday, February 3, 2022:	9:00 a.m. to 2:30 p.m.
Friday, February 4, 2022:	9:00 a.m. to 5:00 p.m.
Monday, February 7, 2022:	9:00 a.m. to 5:00 p.m.
Wednesday, February 9, 2022:	9:00 a.m. to 5:00 p.m.

The Government also respectfully requests that the Court schedule an in-person change-of-plea hearing for defendant Anthony McDade, who is presently housed at Brooklyn Metropolitan Detention Center. The parties have conferred and are available the following dates and times:

Monday, February 7, 2022:	9:00 a.m. to 5:00 p.m.
Tuesday, February 8, 2022:	9:00 a.m. to 1:00 p.m.
Wednesday, February 9, 2022:	9:00 a.m. to 5:00 p.m.

Honorable Katherine Polk Failla

January 13, 2022

Page 2 of 2

The Government respectfully requests that time between today and the next pretrial conference, presently scheduled for February 22, 2022 at 11:00 a.m., be excluded pursuant to the provisions of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). The Government respectfully submits that the proposed exclusion would be in the interest of justice. The Government has conferred with defense counsel for defendants Hawkins, McDade, Robinson, and Williams, who consent to this request.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: 
Juliana N. Murray / Louis A. Pellegrino
Assistant United States Attorneys
(212) 637-2314 / -2617

cc: All Counsel of Record (via ECF)

Application GRANTED. Defendant Rodney Robinson's change-of-plea hearing is hereby scheduled for **February 9, 2022, at 3:30 p.m.** Defendant Anthony McDade's change-of-plea hearing is hereby scheduled for **February 8, 2022, at 3:00 p.m.** Both hearings shall take place in Courtroom 618 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York. It is further ORDERED that time is excluded under the Speedy Trial Act between January 13, 2022, and February 22, 2022. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public and the defendant in a speedy trial because it will permit the parties to consider a pre-trial disposition.

The Clerk of Court is further directed to terminate the pending motion at docket number 213.

SO ORDERED.

Dated: January 13, 2022
New York, New York

